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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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8 KAMARIO SMITH,

Case No. 2:14-cv-01021-GMN-NJK

9 Petitioner,

10 v.

ORDER

11 WARDEN RENEE BAKER, et al.,

12 Respondents.

13 This *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 comes
14 before the Court on petitioner's motion for appointment of counsel (ECF No. 45), motion
15 for extension of time to file a motion to reopen (ECF No. 44), and motion to reopen (ECF
16 No. 47).

17 On December 1, 2017, the Court granted the petitioner's motion to stay and
18 administratively closed this action. Recognizing that filings subsequent to petitioner's
19 motion to stay may have indicated that petitioner no longer wished to stay this action, the
20 Court granted petitioner leave to file a motion to reopen within thirty days of the date of
21 the Court's order.

22 On December 18, 2017, the Court received from petitioner a motion for extension
23 of time to file his motion to reopen (ECF No. 44). In the motion, petitioner indicated that
24 he could not return to state court to exhaust his claims without counsel. The motion was
25 also docketed as a motion for appointment of counsel (ECF No. 45).

26 On January 10, 2018, the Court received from petitioner a motion to reopen this
27 action (ECF No. 47). In the motion, petitioner indicates that he would like the Court to
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1 proceed to a ruling in his case. He again indicates that he cannot return to state court
2 without counsel.

3 Good cause appearing, IT IS ORDERED that petitioner's motion for an extension
4 of time to file his motion to reopen (ECF No. 44) is GRANTED *nunc pro tunc* to December
5 18, 2017. The motion to reopen filed on January 10, 2018, (ECF No. 47) will be deemed
6 timely filed.

7 IT IS FURTHER ORDERED that petitioner's motion to reopen (ECF No. 47) is
8 GRANTED. The Clerk of the Court shall reopen this action.

9 IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel
10 (ECF No. 45) is DENIED. The Court does not believe petitioner is seeking counsel in
11 these proceedings. However -- to the extent he is -- petitioner has not demonstrated that
12 appointment of counsel is necessary, particularly as both an answer and a reply to the
13 petition have been filed and the petition is ready for review on the merits.

14 DATED THIS 29 day of Jan 2018.

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18 GLORIA M. NAVARRO
19 UNITED STATES DISTRICT JUDGE
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